IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.555 OF 2002

Pradip Hanumanta Vede ...Appellant

vs.

1.Pravin Hanumanta Vede
2.Mrs.Bhamabai Hanumanta Vede
3.Mrs.Anita Jaiwanta Dagade
4.Parag-Bafna and Pastokiya Associates
5.Katariya Shewani Developers
6.Shantilal Bhikchand Kataria ...Respondents

Mr.Vijay Patil for the Appellant
Ms Rupali Pawar i/b Mr.V.G.Mujumdar for Respondent Nos.5 & 6.

CORAM: A.S.OKA,J.
DATE : MARCH 14,2007.

ORAL JUDGMENT:

1. Heard learned Advocates for the parties. The Appellant-Original Plaintiff by this Appeal has taken exception to the Judgment and Order dated 28th March 2002 passed by the learned Trial Judge by which an Application for temporary injunction made by the Appellant-Plaintiff has been rejected.

2. The Appellant-Plaintiff filed a suit inter-alia for declaration that the agreement dated 7th April 1997 entered into by the first to third Respondents for themselves and on behalf of the Appellant in favour of the fourth Respondent is voidable. The case of the Appellant is that the said document was executed when he was a minor and after attaining majority he has filed a suit for perpetual injunction and declaration

that the said Agreement be declared as voidable.

3. Perusal of the record shows that this Appeal was admitted on 24th September 2002. However, by a separate order passed in Civil Application No.697 of 2002, the prayer for interim relief during the pendency of the Appeal was rejected. Thus, for a period of last four and half years, there is no interim relief operating in favour the Appellant-Plaintiff.

4. After having heard the submissions of the learned Advocates for the parties, I find that the impugned order is based on prima facie consideration of material on record. The impugned order of rejection of prayer for discretionary relief of temporary injunction cannot be interfered with as it cannot be said that the said order is perverse or illegal. The rights between the parties are bound to be decided at the time of final hearing of the suit and the Court can always mould the reliefs at the time of finally deciding the suit in case the Appellant has a case on merits.

5. No case is made out for interference. Appeal is dismissed with no order as to costs.

6. Hearing of the suit is expedited. Considering the fact that the suit is of the year 2001, the same shall be disposed of within a period of one year from today.

JUDGE